

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2006 NOV 22 P 3:38

RECEIVED
CLERK OF COURT
MIDDLE DISTRICT
NORTHERN DIVISION
ALABAMA

IN THE MATTER OF THE SEIZURE)	
OF:)	
)	
CONTENTS OF COMPASS BANK)	
ACCOUNT NUMBER 87330605 IN)	
THE NAME OF RAPID DRYWALL)	
SUBCONTRACTORS, INC.;)	Misc No. 2:06mj109-VPM
)	
CONTENTS OF COMPASS BANK)	
ACCOUNT NUMBER 26555744 IN)	
THE NAME OF OCTAVIO TREJO)	
PATINO AND RONDA BAIRD;)	Misc No. 2:06mj110-VPM
)	
CONTENTS OF COMPASS BANK)	
ACCOUNT NUMBER 28071124 IN)	
THE NAME OF BARBARA S. HAYNES)	
AND RONDA BAIRD;)	Misc No. 2:06mj111-VPM
)	
CONTENTS OF COMPASS BANK)	
ACCOUNT NUMBER 22141694 IN)	
THE NAME OF RONDA S. BAIRD;)	Misc No. 2:06mj112-VPM
)	
CONTENTS OF COMPASS BANK)	
ACCOUNT NUMBER 16107174 IN)	
THE NAME OF CHRE' SHAWN TAE)	
HOUSTON, RONDA BAIRD)	
CUSTODIAN;)	Misc No. 2:06mj113-VPM
)	
CONTENTS OF COMPASS BANK)	
ACCOUNT NUMBER 16107166 IN)	
THE NAME OF OCTAVIO TREJO)	
PATINO, JR., RONDA BAIRD)	
CUSTODIAN.)	Misc No. 2:06mj114-VPM

MOTION FOR RELEASE OF SEIZED FUNDS


COMES NOW, the United States of America, by and through its counsel, Leura G. Canary, United States Attorney for the Middle District of Alabama and John T. Harmon, Assistant United States Attorney, and requests that this Honorable Court order the release

of \$50,000 from the funds seized under the above-styled seizure warrants to Mark A. Treadwell, as attorney for Octavio Trejo Patino and Ronda Baird.

A proposed Order is attached.

Respectfully submitted this 22nd day of November, 2006.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY



John T. Harmon
Assistant United States Attorney
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Office of the United States Attorney
Middle District of Alabama
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STIPULATION

It is hereby stipulated by and between the United States of America, by and through Leura Garrett Canary, United States Attorney, Middle District of Alabama, and Octavio Trejo Patino (hereinafter, "Patino") and Ronda Baird (hereinafter, "Baird") by and through their attorney, as follows:

1. That the parties do hereby agree to the terms indicated below.

2. That the United States consents to release the sum of Fifty Thousand Dollars (\$50,000.00) from the funds seized pursuant to the above listed seizure warrants (hereinafter, "seized funds"), to attorney Mark A. Treadwell upon approval of the court.

3. That Patino and Baird agree that neither they, their agent or attorney or anyone acting on their behalf will seek recovery, return or release of the seized funds except at trial (whether civil or criminal) of the forfeiture of the seized funds. This agreement does not restrict Patino and Baird's rights to contest any administrative forfeiture action brought by the United States, so long as Patino and Baird do not seek recovery, return or release of the seized funds prior to trial.

4. That Patino and Baird affirmatively state that they are the owners of the seized funds, except for account number 28071124, and that no other person or entity has any right to the seized funds.

5. That Patino and Baird release the United States; the State of Alabama; and all entities and authorities established within the State of Alabama and the agents, employees, assigns, and servants of the above described governments, entities and authorities, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims,

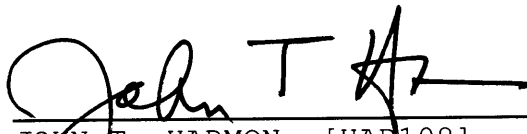
and/or demands whatsoever in law or equity which Patino and Baird, their heirs, successors, or assigns ever had, now have, or may have in the future in connection with the seizure, detention, and forfeiture of the seized funds. Patino and Baird expressly waive the recovery of attorney's fees, costs and expenses by any legal action or by any act or law of the United States of America, including but not limited to Title 28, *United States Code*, Section 2412. This express waiver does not limit the general waiver as expressed herein.

6. That the United States and Patino and Baird agree that this stipulation is not an admission of wrongdoing or liability on any basis. The United States and Patino and Baird also agree that this stipulation does not limit or preclude any recovery, remedy, cause of action, defense or lawsuit on the part of any party except the limits and preclusions herein specified and made applicable to Patino and Baird.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

Date:


11/20/06



JOHN T. HARMON [HAR108]
Assistant United States Attorney
Attorney for Plaintiff
United States of America

Date:

Nov 17, 2006



MARK A. TREADWELL
Attorney for Octavio Trejo Patino
and Ronda Baird

Address of Counsel:

For the United States:

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For Octavio Trejo Patino and Ronda Baird:

Oliver & Treadwell, P.C.
129 West Columbus Street
Dadeville, Alabama 36853
Telephone: (256) 825-9296
Facsimile: (256) 825-5667
E-mail: matreadwell13@mindspring.com

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2006, I filed the foregoing Motion for Release of Seized Funds with the Clerk of the Court. I hereby certify that I have mailed by United States Postal Service the document to the following:

Mark A. Treadwell
Oliver & Treadwell, P.C.
129 West Columbus Street
Dadeville, Alabama 36853.



John T. Harmon
Assistant United States Attorney